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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,205	09/30/2003	Boris Ginzburg	P-6067-US	9613
27130	7590	06/30/2005	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,205

Applicant(s)

FARNSWORTH ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Koorapaty et al. (U.S. Patent Publication Number 2002/0082010).

Regarding claim 1, Koorapaty et al. discloses all the claimed invention as set forth in the instant application, in addition Koorapaty et al. discloses a location privacy manager for a wireless communication device and method therefor, further Koorapaty et al. discloses a method of selecting channels, the method comprising: identifying channels used for transmissions in an area; and scanning said identified channels (which reads on paragraph 0073).

Regarding claim 2, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses a identifying a wireless basic service set operating in said area (which reads on paragraph 0073).

Regarding claim 3, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses wherein said identifying said wireless basic service set comprises assuming a service set is a same service set with which a station recently associated. (which reads on paragraph 0073).

Regarding claim 4, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses identifying a basic service set operating in said area (which reads on paragraph 0073).

Regarding claim 5, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses a said identifying comprises referring to a list of at least one channel used in said area (which reads on paragraph 0068).

Regarding claim 6, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses a selecting a channel upon which to associate. (which reads on paragraph 0068).

Regarding claim 7, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said selecting includes at least evaluating a quality of transmission of at least one of said identified channels (which reads on paragraph 0068).

Regarding claim 8, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses updating a list of channels used by transmitting devices in said area with data collected in a scan of said identified channels (which reads on paragraph 0069).

Regarding claim 9, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses updating a list of service sets with service sets that are identified during said scanning (which reads on paragraph 0069).

Regarding claim 10, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses comprising ordering said identified channels based on data collected about said channels (which reads on paragraph 0073).

Regarding claims 11, Koorapaty et al. discloses all the claimed invention as set fourth in the instant application, in addition Koorapaty et al. discloses a location privacy manager for a wireless communication device and method therefor, further Koorapaty et al. discloses a wireless communication device comprising: a memory to store data about at least one channel used by transmitters associated with an area; and a processor to select for scanning said at least one channel (which reads on paragraph 0165-0167).

Regarding claim 12, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses wherein said processor is to detect a service set and select at least one channel used for transmissions with said service set (which reads on paragraph 0073).

Regarding claim 13, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said processor is to detect a basic service set operating in said area and to select at least one channel used for transmissions in an area of said basic service set (which reads on paragraph 0165-0167).1

Regarding claim 14, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said memory is to store data about channels used for transmissions with at least one service set (which reads on paragraph 0167).

Regarding claim 15, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said memory is to store data about transmitters in an area of a basic service set (which reads on paragraph 0165).

Regarding claim 16, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said processor is to select an access point for association based on a quality of transmission with said access point (which reads on paragraph 0163-0167).

Regarding claim 17, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said processor is to update said memory with data collected in said scanning (which reads on paragraph 0163-0167).

Regarding claim 18, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said processor is to order for scanning said at least one selected channel based on data collected in past associations on said at least one selected channel (which reads on paragraph 0073).

Regarding claims 19, Koorapaty et al. discloses all the claimed invention as set fourth in the instant application, in addition Koorapaty et al. discloses a location privacy manager for a wireless communication device and method therefor, further Koorapaty et al. discloses a article comprising a storage medium having stored thereon instructions that, when executed by a processor, result in: identifying channels to be scanned in an area; and scanning said identified channels (which reads on paragraph 0073).

Regarding claim 20, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said execution of said instructions further result

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in updating a table of said identified channels with data collected during a scan (which reads on paragraph 0073).

Regarding claim 3, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said execution of said instructions further result in ordering said identified channels for scanning based on data collected on said channels (which reads on paragraph 0073).

Regarding claim 22, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses a dipole antenna (1110); a controller (which reads on processor) to identify channels used for transmissions in an area; and a memory to store data about at least one channel used by transmitters in an area (which reads on paragraph 0073).

Regarding claim 23, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses controller is to detect a service set operating in said area and select at least one channel used for transmissions with said service set (which reads on paragraph 0073).

Regarding claim 24, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said controller is to update a table of channels with data collected in during said scan (which reads on paragraph 0073).

Regarding claim 25, Koorapaty et al. discloses all the claimed invention as set fourth in the instant application, in addition Koorapaty et al. discloses a location privacy manager for a wireless communication device and method therefor, further Koorapaty et al. discloses a communication system comprising: a station; an access point; a controller to identify channels to

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be scanned in an area; and a memory to store data about at least one channel used by transmitters in an area (which reads on paragraph 0163-0167).

Regarding claim 26, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses said controller is used to detect a service set in said area (which reads on paragraph 0073).


Regarding claim 27, Koorapaty et al. discloses everything claimed, as applied above (see claim 1) additionally, Koorapaty et al. discloses controller is to update a table of said identified channels with data collected on said at least one channel (which reads on paragraph 0073).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
June 27, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER